

PART II

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

2002-1 *Notice to Creditors and Other Interested Parties*

- a. **Notice of Meeting of Creditors When Schedules and/or Matrix Are Filed Subsequent to the Petition.** If the schedules of creditors are filed after the petition and matrix required by LBR 1007-2 or, if a matrix is not filed with the petition, the debtor shall provide notice of the § 341 meeting of creditors to any creditors listed on such schedules but not included on the original matrix or to all creditors if a matrix was not filed. The debtor shall file a certificate of mailing pursuant to LBR 9078-1.
- b. **Notice to the State of Tennessee.** Whenever required by the Federal Rules of Bankruptcy Procedure, notice to the State of Tennessee or to its agencies or departments shall be accomplished by notice to the Tennessee Attorney General's Office at the following address:

Re:(Agency or Department Name or Names)
TN Atty General's Office, Bankr. Division
PO Box 20207
Nashville TN 37202-0207

Agencies or departments of the State of Tennessee include, but are not limited to:

TN Department of Revenue
TN Alcoholic Beverage Commission
TN Board of Parole
TN Board of Regents (and member institutions)
TN Housing Development Agency
TN Public Service Commission
TN Regulatory Authority
TN Secretary of State
TN Student Assistance Corporation
TN Department of Agriculture
TN Department of Commerce and Insurance
TN Division of Consumer Affairs
TN Department of Corrections
TN Department of Economic and Community Development
TN Department of Environment and Conservation
TN Department of Finance and Administration
TN Department of Financial Institutions

TennCare
TN Department of Health
TN Department of Human Services
TN Department of Labor and Workforce Development
TN Department of Labor and Workforce Development —
Division of Employment Security
TN Department of Mental Health
TN Department of Military
TN Department of Personnel
TN Department of Safety
TN Department of Tourist Development
TN Department of Transportation
TN Department of Veteran's Affairs
TN Department of Youth Development
University of TN (and member institutions)

2002-2 *Notice to United States or Federal Agency*

- a. **Notice to United States Trustee.** For all purposes, the address of the United States Trustee shall be: Office of the Assistant United States Trustee for the Middle District of Tennessee, 701 Broadway, Suite 318, Nashville, TN 37203.
- b. **Notice to Internal Revenue Service.** For all purposes, the address of the Internal Revenue Service shall be: IRS MDP 146, 801 Broadway, Nashville, TN 37203.
- c. **Notice to U.S. Securities and Exchange Commission.** Pursuant to FED. R. BANKR. P. 2002(j), the U.S. Securities and Exchange Commission has requested a copy of the petition, exhibit A, statement and schedules, plan and disclosure statement and notices of hearings for all Chapter 9 cases and Chapter 11 cases commenced by a corporation or limited partnership. For all purposes, the address of the U.S. Securities and Exchange Commission shall be: Office of Reorganization, Securities and Exchange Commission, 3475 Lenox Rd., N.E., Suite 1000, Atlanta, GA 30326-1232.

2003-1 *Meeting of Creditors and Equity Security Holders*

- a. **Failure of Debtor to Appear at § 341 Meeting of Creditors.** Failure of the debtor in a voluntary case to appear at a scheduled 11 U.S.C. § 341 meeting of creditors constitutes cause for dismissal. Upon the filing by the trustee or the United States Trustee of a Report of Nonappearance and Motion to Dismiss, an Order of Dismissal will be entered by the Clerk. Notice of the Motion to Dismiss shall only be provided to the debtor, debtor's counsel, trustee and the United States Trustee.
- b. **Notice of Meeting of Creditors Rescheduled upon Debtor's Request or After Dismissal.** When the debtor's case has been dismissed and the dismissal is

subsequently set aside, or if a meeting of creditors is rescheduled upon request of the debtor, the debtor shall obtain another date for the meeting of creditors from United States Trustee or from the Chapter 13 trustee in Chapter 13 cases, and the debtor shall give notice of the rescheduled meeting to the trustee, the United States Trustee, all creditors and all parties in interest and file a certificate of service in accordance with LBR 9078-1.

- c. **Prisoners.** Motions and orders to produce prisoners for a § 341 meeting of creditors must be filed at least 14 days before the scheduled meeting.

2004-1 *Depositions and Examinations*

- a. **Issuance of Order.** Upon request of any party in interest for the examination of any entity pursuant to FED. R. BANKR. P. 2004, the Clerk shall issue an order directing the examination pursuant to FED. R. BANKR. P. 2004.
- b. **Form of Examination.** Upon the request of any party in interest in accordance with this rule, a FED. R. BANKR. P. 2004 examination may be conducted in any manner consistent with FED. R. CIV. P. 30, 31, 33 or 34 to the extent not inconsistent with FED. R. BANKR. P. 2004.

2014-1 *Employment of Professionals*

Upon the filing of a motion for employment of a professional by the debtor, the trustee, or a committee, notice of the motion shall be given by the movant in accordance with LBR 9013-1 to the debtor, the debtor's attorney, the trustee, the trustee's attorney, the United States Trustee, all secured claim holders, any committee appointed and counsel for such committee, the ten (10) largest unsecured creditors if no unsecured creditors committee has been appointed, and any party in interest who has filed a written request for notices.

2015-2 *Debtor-in-Possession Duties*

- a. **Financial Reports.** On or before the fifteenth (15th) day of each month, the trustee or debtor in possession in Chapter 11 cases shall file and transmit to the United States Trustee a written report of the financial condition of the estate for the previous month.
- b. **Confirmed Chapter 11 Cases.** In Chapter 11 cases with a confirmed plan and until entry of a final decree closing the case, the reorganized debtor shall file and transmit to the United States Trustee within thirty (30) days after the effective date of the plan and, thereafter on March 15 and September 15 of each year, a report concerning the action taken and the progress made toward consummation of the plan.

2015-3 *Trustees - Reports and Dispositions of Records*

In compliance with 11 U.S.C. § 704(8), the report and summary of operation required to be filed with any governmental unit charged with responsibility for collection or determination of any tax arising out of such operation shall be forwarded to:

IRS: IRS MDP 146
 801 Broadway
 Nashville TN 37203

State of TN: TN Atty General's Office
 Bankruptcy Division
 PO Box 20207
 Nashville TN 37202-0207

2016-1 *Compensation of Professionals*

Any professional or other entity seeking fees, compensation or reimbursement of expenses from property of the estate shall file and serve a motion and a notice in accordance with LBR 9013-1 on the debtor, the debtor's attorney, the trustee, the trustee's attorney, the United States Trustee, all secured claim holders, any committee appointed and counsel for such committee, the ten (10) largest unsecured creditors if no unsecured creditors committee has been appointed, and any party in interest who has filed a written request for notices. When the request for fees, compensation and expenses exceeds \$25,000, the applicant shall submit time and expense detail electronically to the U.S. Trustee in a format compatible with the U.S. Trustee's software.

2082-1 *Chapter 12 - General*

- a. **Filing of Chapter 12 Plan.** If a Chapter 12 debtor elects to file a plan after the filing of the petition pursuant to FED. R. BANKR. P. 3015, the debtor must serve the proposed plan or a complete summary of the proposed plan on all creditors, all equity security holders, any party in interest who has requested notice, the Chapter 12 trustee and the United States Trustee and file a certificate of service pursuant to LBR 9078-1.

- b. **Motions Modifying Chapter 12 Plans.** In addition to the requirements of LBR 9013-1, any motion or agreed order that amends or modifies a proposed or confirmed Chapter 12 plan must include a verified comparative budget and a statement of impact on creditors in the form of Appendix B. This provision includes but is not limited to motions and agreed orders to:
 - (1) suspend payments;
 - (2) incur credit; or
 - (3) change the amount or timing of any payment.
- c. **Chapter 12 Payments.** All fees, compensation or reimbursement of expenses of debtors' attorneys approved by the Court which are to be paid from property of the estate shall be classified as an administrative expense, paid after the filing fee, and continuing alimony and support payments, but ahead of payments to all other creditors. Unless the confirmed plan provides otherwise, the distributions to attorneys who have received no compensation prior to the filing of the petition shall be limited to a first payment of \$175 (inclusive of expenses) plus additional payments of twelve and one-half percent (12.5%) of disbursements until the approved fees and expenses are paid in full. Attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$0.75 per notice (\$3.00 for certified mail), but only upon receipt by the trustee of the certificate of service filed pursuant to LBR 9078-1.

2090-1 *Attorneys - Admission to Practice*

- a. **Appearance before the Court.** Except as set forth below and in LBR 9011-2, appearance before the Court on behalf of any entity may be made only by an attorney admitted to practice before the United States District Court for the Middle District of Tennessee.
- b. **Motions for Permission to Appear *Pro Hac Vice*.**
 - a. Any attorney not admitted to practice before the United States District Court for the Middle District of Tennessee shall file a motion and proposed order with the United States Bankruptcy Court for the Middle District of Tennessee for permission to appear *pro hac vice*. The motion must be specific to an identified bankruptcy case or proceeding. The motion must be filed no later than the first appearance or the first paper filed upon which the attorney's name appears. The motion must include a certificate of good standing from another United States District Court.
 - b. Any attorney admitted to appear *pro hac vice* who does not have a principal law office in the State of Tennessee shall obtain counsel ("Local Counsel")

who is admitted to practice in the United States District Court for the Middle District of Tennessee and who has a principal law office in Tennessee. Every requirement in these Local Bankruptcy Rules or in any order for the giving of notice, may be satisfied by giving notice to the Local Counsel.

- c. Any attorney representing the United States Government, or any agency thereof, or the State of Tennessee may appear and participate in particular cases or proceedings in the attorney's official capacity if the attorney is a member in good standing of the bar of a District Court of the United States.

2091-1 *Attorneys - Discipline and Disbarment*

- a. **Enforcement of Standards of Professional Conduct.** The standards of professional conduct for any attorney who appears for any purpose shall include the current rules of professional conduct adopted by the Supreme Court of the State of Tennessee.
- b. **Disbarment and Discipline.**
 - (1) Any attorney who appears for any purpose submits to the discipline of this Court. A violation of any of the rules of professional conduct in connection with any matter pending before this Court subjects the offending attorney to appropriate disciplinary action.
 - (2) When an attorney has been disbarred or suspended from the practice of law by the Disciplinary Board of the Supreme Court of Tennessee or by the Courts or disciplinary bodies of any state or federal jurisdiction, or has been convicted of any crime involving moral turpitude, the attorney shall be suspended from practice before this Court.

2092-1 *Attorneys - Withdrawals*

- a. **In General.** When an attorney has appeared on behalf of any entity in a case or proceeding, the entity may not thereafter appear *pro se* or by a different attorney in that case or proceeding except upon order of the Court.
- b. **Procedure for Withdrawal or Substitution of Attorney.** An attorney may withdraw or another attorney may be substituted in a case or proceeding by filing a motion to withdraw or substitute counsel together with a proposed order. Notice shall be given to the client of the withdrawing counsel, to the attorney being replaced (if substituting counsel), the debtor, the United States Trustee, any trustee, any committees which may have been appointed, and any party who has requested notice. The notice shall comply with LBR 9013-1.